THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.1705 of 2003

Date: 01.08.2007

Between:

M.A.Gafar.

....Petitioner

and

The Govt. of A.P. and others.

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.1705 of 2003

O R D E R:

The petitioner seeks a direction to the respondents to implement Resolution No.47, dated 16.07.2002, passed by the third respondent-Municipality, proposing to name a particular lane in Koratla Town as 'Jabbar Road'.

The third respondent-Municipality had undertaken certain works within the municipal limits under the 'Janmabhoomi' programme. According to the scheme, public contribution to an extent of 50% was necessary. The petitioner states that the cost for laying of the road between Prasad selection center to Gollawada in the Town was estimated at Rs.4,43,000/- and that he contributed a sum of Rs.2,21,088/-, on condition that the lane be named after his brother, late Jabbar. The road was laid and the Municipal Council, 4th respondent herein, passed a resolution on 16.07.2002 proposing to name the

lane after late Jabbar. The grievance of the petitioner is that the resolution, dated 16.07.2002, is not implemented.

The learned counsel for the petitioner submits that Section 200 of the A.P. Municipalities Act, 1965 (for short 'the Act') empowers the third respondent to name the lane and once a resolution is passed, there is no justification for not taking further steps.

Heard the learned Government Pleader for Municipal Administration and Sri Polisetty Radha Krishna Murthy, the learned Standing Counsel for respondents 3 and 4.

The learned Standing Counsel had placed before this Court the entire record, relating to the matter. A perusal of the same discloses that even before the resolution came to be passed, there was resistance from the local residents and it was represented that the lane was already named as 'Indira Road' and that there was no justification for changing the name. The record also discloses that soon after the resolution was passed on 16.07.2002, in protest, public demonstrations were held and law and order problem had arisen. The District Collector directed the Commissioner of the Municipality to

enquire into the matter and submit a report. In the report, it is mentioned that the lane was already named after late Indira Gandhi and before renaming it, necessary procedure is to be followed. Section 200 of the Act reads as under:

> 200. Naming of public streets:-
>
> *(1) The council shall give names to all public streets and may, with the approval of the Government, alter the name of any public street.*
>
> *(2) The Municipal Engineer or where there is no Municipal Engineer, the Commissioner shall cause to be put up or painted in English and in the main language of the district on a conspicuous part of some buildings wall or place, at or near each end, corner or entrance, the name of every public street.*
>
> *(3) No person shall, without lawful authority, destroy, pull down, or deface any such name or put up any name different from that put up by order of the said officer.*

From this, it is evident that the Municipality itself is conferred with the power to name a road or lane, for the first time. Where, however, the name is to be changed, prior approval of the Government is necessary. Serious dispute exists, in the instant case, as to whether the road, in question, had any name, before resolution No.47, dated

16.07.2002, was passed. While the resolution proceeds as though the lane is being named for the first time, the record discloses otherwise. After verification of the matter and after hearing the concerned parties, the Municipal Commissioner took the view that it was already named after late Indira Gandhi. Therefore, prior approval of the Government becomes necessary under Section 200 of the Act.

In view of the facts stated above, the third respondent can be directed to forward Resolution No.47, dated 16.07.2002, together with the factual report to respondents 1 and 2, if not already submitted, and the latter, in turn, be required to consider the same, in accordance with law. The petitioner can also submit his views on the matter.

For the foregoing reasons, the writ petition is disposed of, directing that respondent No.3 shall forward Resolution No.47, dated 16.07.2002, together with its comments and relevant record, to respondents 1 and 2, if not already forwarded. It shall also be open to the petitioner to submit a representation in this regard. Respondents 1 and 2 shall dispose of the matter, within a period of three (3) months from the date of receipt of the

record, in accordance with law. There shall be no order as to costs.

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01.08.2007

Note: Issue C.C. in three days.
(B/o)
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THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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